IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CONTEMPT PETITION NO.302 OF 2004

Dynamic Logistics Pvt. Ltd. ... Petitioner

V/s.

ICICI Bank Ltd., Mumbai & Ors. ... Respondents

Mr.S.Kshirsagar for Petitioner
Mr.Prateek Sekseria for Respondent No.1
Mr.S.S. Pakale with Mrs.S.V. Bharucha for Respondent No.2

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 5, 2005**

P.C.:

. This Petition claims that there is a contempt committed by the respondents of the order dated 1.7.2003. According to the Petitioner, the decree which has been passed on admission is executed against certain properties which are not mortgaged with the Bank. However, the complaint of the Petitioner is that the recovery officer has taken steps to sell those properties with which the receiver cannot deal under the interim orders. It is contended that if such a procedure is adopted by the recovery officer and the Debt Recovery Tribunal finds that the suit is required to be dismissed, the Petitioner may lose these properties.

2. Admittedly, an appeal has been preferred against the order of 1.7.2003. Although there is a dispute as to whether this order is stayed, admittedly, the

recovery proceedings have been stayed on 18.7.2005.

3. Heard parties. In my view, no case of contempt has been made out. The decree on admission has been passed and it is for the recovery officer to take steps in accordance with law to recover the amount. Hence, Contempt petition is dismissed.